

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

W.P.(C).No.14505 of 2015 (K)

PETITIONER(S):-

YOUSAF, AGED 35 YEARS, S/O.MUHAMMEDKUTTY,
PULIKKAL KUNNATH HOUSE,
MONGAM P.O., MALAPPURAM DISTRICT.

BY ADVS.SRI.BABU S. NAIR
SRI.K.RAKESH

RESPONDENT(S):-

THE PASSPORT OFFICER,
PASSPORT OFFICE,
MALAPPURAM, PIN - 676505.

BY ASSISTANT SOLICITOR GENERAL OF INDIA SRI.N.NAGARESH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

WP(C).No.14505 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXT.P1. TRUE COPY OF THE ORDER IN C.C.NO.184 OF 2013
OF THE C.J.M. COURT, MANJERI DATED 19.12.2013.
- EXT.P2. TRUE COPY OF THE RECEIPT SHOWING PAYMENT OF FINE
PAID BY THE PETITIONER DATED 19.12.2013.
- EXT.P3. TRUE COPY OF THE ORDER PASSED BY THE CJM, MANJERI
DATED 5.5.2014 IN C.M.P.NO.1320 OF 2014.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

/ true copy /

K. Vinod Chandran, J

W.P.(C).No.14505 of 2015-K

Dated this the 04th day of June, 2015

JUDGMENT

The petitioner in the writ petition seeks revocation of his own Passport, which is said to be in the custody of the Chief Judicial Magistrate at Manjeri.

2. The petitioner was proceeded against under the Indian Passports Act, 1967 [for brevity “the Act”] for an offence of tampering with the Passport, more specifically, correcting the date of birth. The petitioner was convicted and sentenced to pay a fine of Rs.5,000/- [Rupees five thousand only] for the offence punishable under Section 12(1)(b) of the Act, with a default sentence. The petitioner has paid the fine, as evidenced at Exhibit P2. The petitioner is required to file a fresh application for a Passport and for the same, the earlier Passport has to be revoked.

3. Since the Passport itself was in the custody of the Chief Judicial Magistrate, Manjeri who had passed Exhibit P1 order, the petitioner filed an application for return of the

Passport to the Passport issuing authority. Strangely, the Chief Judicial Magistrate passed Exhibit P3 order, holding that the Passport being the property of the Central Government, the petitioner has no *locus standi* to file the petition.

4. In fact, the issue could have been resolved by the learned Magistrate himself by merely ordering return of the Passport to the Passport Issuing Authority. The statement filed on behalf of the respondent-Passport Officer, at paragraph 4, would indicate that there would be symbolic revocation of the Passport on the petitioner-passport holder satisfying the Passport issuing authority that the same cannot be produced before it.

5. In the present case, evidently the Passport is in the custody of the Chief Judicial Magistrate, as is evidenced at Exhibit P3. Hence, if the petitioner produces the certified copy of Exhibit P3 explaining the circumstances, necessarily the Passport Issuing Authority should revoke the Passport issued, in accordance with law. The petitioner is free to make a fresh application for Passport along with relevant materials and

explanation regarding old Passport and in that event, the Passport Authority shall consider the same within three weeks from the date of production of the materials.

The writ petition is disposed of as above.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]